

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case
14-CA-178665

Date Filed
June 21, 2016

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

King's Management Co. Inc., a McDonald's Franchise, and Mc Donald's USA, LLC as
Joint or Single Employer

b. Tel. No.

c. Cell No.

f. Fax No.

g. e-Mail

h. Number of workers employed
More than 100

d. Address (Street, city, state, and ZIP code)

812 Minnesota Avenue, Kansas City, KS 66101
and
One McDonald's Plaza, Oak Brook, IL 60523

e. Employer Representative

i. Type of Establishment (factory, mine, wholesaler, etc.)
Restaurant

j. Identify principal product or service
Fast Food

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1st subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On dates within the last six months the above-named employer has disciplined employees in violation of the Act as a direct result of exercising their protected Section 7 rights, including the right to participate in a lawful strike and the right to join a union.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Workers' Organizing Committee-Kansas City

4a. Address (Street and number, city, state, and ZIP code)

P.O. Box 5946
Kansas City, MO 64171

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No.

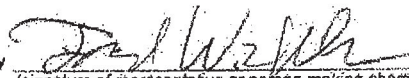
4d. Fax No.

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By 
(signature of representative or person making charge)

Fred Wickham, Attorney for WOC-KC
(Print/type name and title or office, if any)

Tel. No. 816-753-8751

Office, if any, Cell No.
816-838-8401

Fax No.

e-Mail
fred@wickham-wood.com

Address 107 W. 9th St., 2nd Floor, Kansas City, MO 64105-1705

06/20/2016
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
Overland Park, KS 66212-4677

Agency Website: www.nlrb.gov
Telephone: (913)967-3000
Fax: (913)967-3010



Download
NLRB
Mobile App

June 21, 2016

King's Management Co., Inc., a McDonald's Franchisee
812 Minnesota Avenue
Kansas City, KS 66101

McDonalds USA, LLC
One McDonald's Plaza
Oak Brook, IL 60523-1911

Re: King's Management Co. Inc., a McDonald's
Franchise, and McDonald's USA, LLC as
Joint or Single Employer
Case 14-CA-178665

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney JULIE M. COVEL (Julie.covel@nlrb.gov), whose telephone number is (913)967-3022. If this Board agent is not available, you may contact Supervisory Field Attorney SUSAN A. WADE-WILHOIT whose telephone number is (913)967-3014.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as

June 21, 2016

possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

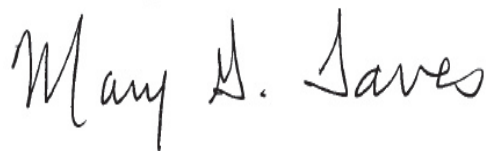
We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

King's Management Co. Inc., a McDonald's - 3 -
Franchise, and McDonald's USA, LLC as
Joint or Single Employer
Case 14-CA-178665

June 21, 2016

Very truly yours,

DANIEL L. HUBBEL
Regional Director

A handwritten signature in black ink that reads "Mary G. Taves". The signature is written in a cursive, flowing style.

By:

MARY G. TAVES
Officer in Charge

Enclosures

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

14-CA-178665

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (**Check the largest amount**):☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**KING'S MANAGEMENT CO. INC., A
MCDONALD'S FRANCHISE, AND
MCDONALD'S USA, LLC AS JOINT OR
SINGLE EMPLOYER**

Charged Party

and

**WORKERS' ORGANIZING COMMITTEE-
KANSAS CITY**

Charging Party

Case 14-CA-178665

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 21, 2016, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

King's Management Co., Inc., a McDonald's
Franchisee
812 Minnesota Avenue
Kansas City, KS 66101

McDonalds USA, LLC
One McDonald's Plaza
Oak Brook, IL 60523-1911

June 21, 2016

Date

Karen Clemoens, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
Overland Park, KS 66212-4677

Agency Website: www.nlrb.gov
Telephone: (913)967-3000
Fax: (913)967-3010



Download
NLRB
Mobile App

June 21, 2016

Workers' Organizing Committee-Kansas City
PO Box 5946
Kansas City, MO 64171

Re: King's Management Co. Inc., a McDonald's
Franchise, and McDonald's USA, LLC as
Joint or Single Employer
Case 14-CA-178665

Dear Sir or Madam:

The charge that you filed in this case on June 21, 2016 has been docketed as case number 14-CA-178665. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney JULIE M. COVEL (Julie.covel@nlrb.gov), whose telephone number is (913)967-3022. If this Board agent is not available, you may contact Supervisory Field Attorney SUSAN A. WADE-WILHOIT whose telephone number is (913)967-3014.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

June 21, 2016

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

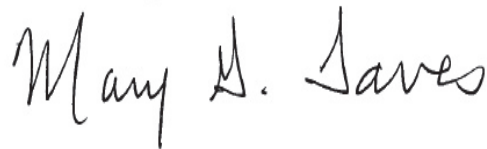
Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DANIEL L. HUBBEL
Regional Director



By:

MARY G. TAVES
Officer in Charge

DLH:kec
Enclosure

cc: Fred Wickham, Attorney for WOC-KC
107 W 9th St
2nd Floor
Kansas City, MO 64105-1705

From: [Brian Wood](#)
To: [Fred](#); [Covel, Julie](#)
Subject: Re: Fwd: Affidavit - (b) (6), (b) (7)(C)
Date: Monday, August 15, 2016 11:45:49 AM

Julie,

I spoke with (b) (6), (b) (7)(C) this morning. (b) (6), (b) (7)(C) indicated that (b) (6), (b) (7)(C) signed the discipline regarding (b) (6), (b) (7)(C) on the day it was given to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) also stated that (b) (6), (b) (7)(C) does not recall being talked to about (b) (6), (b) (7)(C) or customer complaints prior to the strike in (b) (6), (b) (7)(C). Please let me know if you need anything else.

Brian Wood

Wickham & Wood, LLC
107 W. 9th St.
2nd Floor
Kansas City, MO 64105-1705
Phone: 816-753-8751
Fax: 816-423-2501

Privileged and Confidential

NOTE: The Missouri Bar Disciplinary Counsel requires all Missouri lawyers to notify all recipients of e-mail that (1) e-mail communication is not a secure method of communication; (2) any e-mail that is sent to you or by you may be copied and held by various computers it passes through as it goes from sender to recipient (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or my computer or even some computer unconnected to either of us which the e-mail passes through. I am communicating to you via e-mail because you have consented to receive communications via this medium. If you change your mind and want future communications to be sent in a different fashion please advise me at once. The information contained in the e-mail message/document is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and as such is privileged and confidential. If the reader of this message/document is not the intended recipient, you are hereby notified that you have received this message/document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited by law. If you have received this message/document in error, please notify us immediately via return e-mail and delete the original message/document or phone at [\(816\) 753-8751](tel:8167538751).

From: Fred <fred@wickham-wood.com>
To: Brian Wood <brian@wickham-wood.com>
Sent: Friday, August 12, 2016 10:24 AM
Subject: Fwd: Affidavit - (b) (6), (b) (7)(C)

Sent from my iPhone

Begin forwarded message:

From: "Covel, Julie" <Julie.Covel@nlrb.gov>
Date: August 12, 2016 at 11:08:08 AM AST
To: Fred <fred@wickham-wood.com>
Subject: RE: Affidavit - (b) (6), (b) (7)(C)

Fred,

Can you also have Brian ask (b) (6), (b) (7)(C) if (b) (6) remembers being talked to about any (b) (6), (b) (7)(C) and/or customer complaints right before the strike in (b) (6), (b) (7)(C)

Julie Covel
Attorney | Subregion 17
National Labor Relations Board
8600 Farley St Ste 100, Overland Park, KS 66212
913-275-6537 | julie.covel@nlrb.gov

The NLRB strongly encourages all parties to file documents electronically through our online E-File system:

- E-File <https://apps.nlrb.gov/eservice/efileterm.aspx>
- E-File new Charge/Petition <https://apps.nlrb.gov/eservice/efileterm.aspx?app=chargeandpetition>

From: Fred [<mailto:fred@wickham-wood.com>]
Sent: (b) (6), (b) (7)(C), 2016 5:35 PM
To: Covel, Julie <Julie.Covel@nlrb.gov>
Subject: Re: Affidavit - (b) (6), (b) (7)(C)

Hi Julie,

Thanks for getting this to me. I still haven't been able to confirm when (b) (6), signed (I've asked several times) but Brian Wood is meeting with (b) (6), (b) (7)(C) on another matter so we can find out then. I'm out of town until Tuesday but I'll have Brian email you with (b) (6) answer.

Thanks
Fred

Sent from my iPhone

On (b) (6), 2016, at 2:41 PM, Covel, Julie <Julie.Covel@nlrb.gov> wrote:

Fred,

I've attached (b) (6), affidavit as requested. Were you able to confirm whether (b) (6) signed the discipline on the day that (b) (6) saw the discipline?

